

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent,)	No. ED95468
)	Appeal from the Circuit Court of
vs.)	the City of St. Louis
)	
ELTON J. NORFOLK, Appellant.)	Honorable Donald L. McCullin
)	Filed: November 15, 2011

Elton Norfolk (hereinafter, “Norfolk”) appeals from the trial court’s judgment finding him guilty of one count of unlawful use of a weapon, Section 571.030 RSMo (2000), and one count of possession of a controlled substance, Section 195.202 RSMo (2000). The trial court sentenced Norfolk to concurrent terms of three years’ imprisonment on the unlawful use of a weapon count and one year in jail on the possession count, with the execution of his sentences suspended. Norfolk raises one point on appeal, arguing the trial court clearly erred in overruling his motion to suppress and overruling his objections to the admission of evidence seized during the search because the police officer lacked reasonable suspicion to detain him.

AFFIRMED.

Division IV Holds: The trial court erred in overruling Norfolk’s motion to suppress because the police officer conducting the search lacked reasonable suspicion to suspect criminal activity was afoot when Norfolk adjusted his pants on a public street corner, rendering the search illegal and all items seized from the search inadmissible. However, because Norfolk testified under oath at trial that he possessed the drugs and gun seized, the trial court’s error was harmless and does not compel reversal of his convictions.

Opinion by: George W. Draper III, Sp.J.
Patricia L. Cohen, P.J., and Robert M. Clayton III, J., concur.

Attorney for Appellant: Timothy J. Forneris

Attorney for Respondent: Shaun J. Mackelprang

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
